

AMENDED IN ASSEMBLY MAY 5, 2008

AMENDED IN ASSEMBLY APRIL 2, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2062

Introduced by Assembly Member De Leon
(Coauthor: Assembly Member Hancock)
(Coauthor: Senator Scott)

February 19, 2008

An act to amend Sections 11106, 12010, 12011, 12012, and 12316 of, to add Section 12318 to, and to add Article 3.5 (commencing with Section 12060) to Chapter 1 of Title 2 of Part 4 of, the Penal Code, relating to ammunition.

LEGISLATIVE COUNSEL'S DIGEST

AB 2062, as amended, De Leon. Ammunition.

Existing law requires the Department of Justice to maintain records pertaining to firearms transactions.

This bill would require the department to maintain additional information relating to ammunition transfers, handgun ammunition permittees, and licensed handgun ammunition vendors, as specified.

Existing law establishes the Prohibited Armed Persons File, which lists persons who are prohibited from possessing firearms, as specified.

This bill would expand those provisions to include persons prohibited from possessing ammunition.

Existing law generally regulates the sale of ammunition.

This bill would establish a program administered by the Department of Justice for licensing handgun ammunition vendors, as specified. The

bill would also authorize the issuance of a handgun ammunition permit, to be used by purchasers of handgun ammunition, as specified.

~~The bill would authorize the Department of Justice to incorporate the permit information into a permittee's California driver's license, as specified.~~

The bill would establish a database maintained by the department to serve as a registry of handgun ammunition vendors. ~~The bill would also establish a database of handgun ammunition permittees.~~

This bill would require that commencing July 1, 2009, unless specifically excluded, no person shall sell or transfer more than 50 rounds of handgun ammunition in any month unless they are registered as a handgun ammunition vendor, as defined. The bill would also require these vendors to obtain a background clearance for those employees who would handle ammunition in the course and scope of their employment. The bill would require the Department of Justice to maintain a registry of registered handgun ammunition vendors, as specified. Violation of these provisions, as specified, would be a misdemeanor.

By creating a new crime, this bill would impose a state-mandated local program.

The bill would also provide that no retail seller of ammunition shall sell, offer for sale, or display for sale, any handgun ammunition in a manner that allows that ammunition to be accessible to a purchaser without the assistance of the retailer or employee thereof.

The bill would further provide that handgun ammunition may only be purchased in a face-to-face transaction and only if certain conditions exist.

Existing law generally regulates what information is required to be obtained in connection with the transfer of ammunition.

This bill would, subject to exceptions, commencing July 1, 2009, require certain ammunition vendors to obtain a thumbprint and other information from ammunition purchasers, and would require submission of that information to the Department of Justice, as specified. A violation of these provisions would be a misdemeanor.

This bill would provide that a person enjoined from engaging in activity associated with a criminal street gang, as specified, would be prohibited from having under his or her possession custody or control, any ammunition. Violation of these provisions would be a misdemeanor.

The bill would prohibit supplying or delivering, as specified, handgun ammunition to prohibited persons, as described, by persons or others

who know or have cause to believe the recipient is a persons prohibited from possessing ammunition. Violation of these provisions is a misdemeanor with specified penalties.

By creating new crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11106 of the Penal Code is amended to
2 read:
3 11106. (a) In order to assist in the investigation of crime, the
4 prosecution of civil actions by city attorneys pursuant to paragraph
5 (3) of subdivision (c), the arrest and prosecution of criminals, and
6 the recovery of lost, stolen, or found property, the Attorney General
7 shall keep and properly file a complete record of all copies of
8 fingerprints, copies of licenses to carry firearms issued pursuant
9 to Section 12050, information reported to the Department of Justice
10 pursuant to Section 12053, information submitted pursuant to
11 Section 12062, licensee information pertaining to handgun
12 ammunition vendors as specified in Section 12062, permittee
13 information pertaining to handgun ammunition permittees specified
14 in subdivision (g) of Section 12063, dealers' records of sales of
15 firearms, reports provided pursuant to Section 12072 or 12078,
16 forms provided pursuant to Section 12084, as that section read
17 prior to being repealed by the act that amended this section, reports
18 provided pursuant to Section 12071 that are not dealers' records
19 of sales of firearms, and reports of stolen, lost, found, pledged, or
20 pawned property in any city or county of this state, and shall, upon
21 proper application therefor, furnish this information to the officers
22 referred to in Section 11105.
23 (b) (1) Except as provided in subdivision (d), the Attorney
24 General shall not retain or compile any information from reports
25 filed pursuant to subdivision (a) of Section 12078 for firearms that

1 are not handguns, from forms submitted pursuant to Section 12084,
2 as that section read prior to being repealed by the act that amended
3 this section, for firearms that are not handguns, or from dealers'
4 records of sales for firearms that are not handguns. All copies of
5 the forms submitted, or any information received in electronic
6 form, pursuant to Section 12084, as that section read prior to being
7 repealed by the act that amended this section, for firearms that are
8 not handguns, or of the dealers' records of sales for firearms that
9 are not handguns shall be destroyed within five days of the
10 clearance by the Attorney General, unless the purchaser or
11 transferor is ineligible to take possession of the firearm. All copies
12 of the reports filed, or any information received in electronic form,
13 pursuant to subdivision (a) of Section 12078 for firearms that are
14 not handguns shall be destroyed within five days of the receipt by
15 the Attorney General, unless retention is necessary for use in a
16 criminal prosecution.

17 (2) A peace officer, the Attorney General, a Department of
18 Justice employee designated by the Attorney General, or any
19 authorized local law enforcement employee shall not retain or
20 compile any information from a firearms transaction record, as
21 defined in paragraph (5) of subdivision (c) of Section 12071, for
22 firearms that are not handguns unless retention or compilation is
23 necessary for use in a criminal prosecution or in a proceeding to
24 revoke a license issued pursuant to Section 12071.

25 (3) A violation of this subdivision is a misdemeanor.

26 (c) (1) The Attorney General shall permanently keep and
27 properly file and maintain all information reported to the
28 Department of Justice pursuant to Sections 12071, 12072, 12078,
29 12082, and former Section 12084 or any other law, as to handguns
30 and maintain a registry thereof.

31 (2) The registry shall consist of all of the following:

32 (A) The name, address, identification of, place of birth (state
33 or country), complete telephone number, occupation, sex,
34 description, and all legal names and aliases ever used by the owner
35 or person being loaned the particular handgun as listed on the
36 information provided to the department on the Dealers' Record of
37 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
38 in former Section 12084, or reports made to the department
39 pursuant to Section 12078 or any other law.

1 (B) The name and address of, and other information about, any
2 person (whether a dealer or a private party) from whom the owner
3 acquired or the person being loaned the particular handgun and
4 when the firearm was acquired or loaned as listed on the
5 information provided to the department on the Dealers' Record of
6 Sale, the LEFT, or reports made to the department pursuant to
7 Section 12078 or any other law.

8 (C) Any waiting period exemption applicable to the transaction
9 which resulted in the owner of or the person being loaned the
10 particular handgun acquiring or being loaned that firearm.

11 (D) The manufacturer's name if stamped on the firearm, model
12 name or number if stamped on the firearm, and, if applicable, the
13 serial number, other number (if more than one serial number is
14 stamped on the firearm), caliber, type of firearm, if the firearm is
15 new or used, barrel length, and color of the firearm.

16 (3) Information in the registry referred to in this subdivision
17 shall, upon proper application therefor, be furnished to the officers
18 referred to in Section 11105, to a city attorney prosecuting a civil
19 action, solely for use in prosecuting that civil action and not for
20 any other purpose, or to the person listed in the registry as the
21 owner or person who is listed as being loaned the particular
22 handgun.

23 (4) If any person is listed in the registry as the owner of a firearm
24 through a Dealers' Record of Sale prior to 1979, and the person
25 listed in the registry requests by letter that the Attorney General
26 store and keep the record electronically, as well as in the record's
27 existing photographic, photostatic, or nonerasable optically stored
28 form, the Attorney General shall do so within three working days
29 of receipt of the request. The Attorney General shall, in writing,
30 and as soon as practicable, notify the person requesting electronic
31 storage of the record that the request has been honored as required
32 by this paragraph.

33 (d) (1) Any officer referred to in paragraphs (1) to (6), inclusive,
34 of subdivision (b) of Section 11105 may disseminate the name of
35 the subject of the record, the number of the firearms listed in the
36 record, and the description of any firearm, including the make,
37 model, and caliber, from the record relating to any firearm's sale,
38 transfer, registration, or license record, or any information reported
39 to the Department of Justice pursuant to Section 12021.3, 12053,
40 12071, 12072, 12077, 12078, 12082, or 12285, or information

1 reported to the Department of Justice pursuant to Section 12062
2 as to the brand, type, and amount of ammunition transferred if the
3 following conditions are met:

4 (A) The subject of the record has been arraigned for a crime in
5 which the victim is a person described in subdivisions (a) to (f),
6 inclusive, of Section 6211 of the Family Code and is being
7 prosecuted or is serving a sentence for the crime, or the subject of
8 the record is the subject of an emergency protective order, a
9 temporary restraining order, or an order after hearing, which is in
10 effect and has been issued by a family court under the Domestic
11 Violence Protection Act set forth in Division 10 (commencing
12 with Section 6200) of the Family Code.

13 (B) The information is disseminated only to the victim of the
14 crime or to the person who has obtained the emergency protective
15 order, the temporary restraining order, or the order after hearing
16 issued by the family court.

17 (C) Whenever a law enforcement officer disseminates the
18 information authorized by this subdivision, that officer or another
19 officer assigned to the case shall immediately provide the victim
20 of the crime with a "Victims of Domestic Violence" card, as
21 specified in subparagraph (H) of paragraph (9) of subdivision (c)
22 of Section 13701.

23 (2) The victim or person to whom information is disseminated
24 pursuant to this subdivision may disclose it as he or she deems
25 necessary to protect himself or herself or another person from
26 bodily harm by the person who is the subject of the record.

27 SEC. 2. Section 12010 of the Penal Code is amended to read:

28 12010. (a) The Attorney General shall establish and maintain
29 an online database to be known as the Prohibited Armed Persons
30 File. The purpose of the file is to cross-reference persons who have
31 ownership or possession of a firearm or ammunition on or after
32 January 1, 1991, as indicated by a record in the Consolidated
33 Firearms Information System, or as indicated in reports submitted
34 to the Department of Justice pursuant to Section 12062, and who,
35 subsequent to the date of that ownership or possession of a firearm
36 or ammunition, fall within a class of persons who are prohibited
37 from owning or possessing a firearm or ammunition.

38 (b) The information contained in the Prohibited Armed Persons
39 File shall only be available to those entities specified in, and
40 pursuant to, subdivision (b) or (c) of Section 11105, through the

1 California Law Enforcement Telecommunications System, for the
2 purpose of determining if persons are armed and prohibited from
3 possessing firearms or ammunition.

4 SEC. 3. Section 12011 of the Penal Code is amended to read:

5 12011. The Prohibited Armed Persons File database shall
6 function as follows:

7 (a) Upon entry into the Automated Criminal History System of
8 a disposition for a conviction of any felony, a conviction for any
9 firearms-prohibiting charge specified in Section 12021, a
10 conviction for an offense described in Section 12021.1, a firearms
11 prohibition pursuant to Section 8100 or 8103 of the Welfare and
12 Institutions Code, an ammunition prohibition pursuant to
13 subdivision (b) of Section 12316, or any firearms possession
14 prohibition identified by the federal National Instant Check System,
15 the Department of Justice shall determine if the subject has an
16 entry in the Consolidated Firearms Information System indicating
17 possession or ownership of a firearm on or after January 1, 1991,
18 or an assault weapon registration, or a .50 BMG rifle registration,
19 or ammunition as indicated in reports submitted to the Department
20 of Justice pursuant to Section 12062.

21 (b) Upon an entry into any department automated information
22 system that is used for the identification of persons who are
23 prohibited from acquiring, owning, or possessing firearms or
24 ammunition, the department shall determine if the subject has an
25 entry in the Consolidated Firearms Information System indicating
26 ownership or possession of a firearm on or after January 1, 1991,
27 or an assault weapon registration, or a .50 BMG rifle registration,
28 or acquired ammunition as indicated in reports submitted to the
29 Department of Justice pursuant to Section 12062.

30 (c) If the department determines that, pursuant to subdivision
31 (a) or (b), the subject has an entry in the Consolidated Firearms
32 Information System indicating possession or ownership of a firearm
33 on or after January 1, 1991, or an assault weapon registration, or
34 a .50 BMG rifle registration, or acquired ammunition as indicated
35 in reports submitted to the Department of Justice pursuant to
36 Section 12062, the following information shall be entered into the
37 Prohibited Armed Persons File:

38 (1) The subject's name.

39 (2) The subject's date of birth.

40 (3) The subject's physical description.

1 (4) Any other identifying information regarding the subject that
2 is deemed necessary by the Attorney General.

3 (5) The basis of the firearms or ammunition possession
4 prohibition.

5 (6) A description of all firearms owned or possessed by the
6 subject, as reflected by the Consolidated Firearms Information
7 System, or ammunition acquired as indicated in reports submitted
8 to the Department of Justice pursuant to Section 12062.

9 SEC. 4. Section 12012 of the Penal Code is amended to read:
10 12012. The Attorney General shall provide investigative
11 assistance to local law enforcement agencies to better ensure the
12 investigation of individuals who are armed and prohibited from
13 possessing a firearm or ammunition.

14 SEC. 5. Article 3.5 (commencing with Section 12060) is added
15 to Chapter 1 of Title 2 of Part 4 of the Penal Code, to read:

16
17 Article 3.5. Handgun Ammunition Vendor Licenses and
18 Handgun Ammunition Purchase Permits
19

20 12060. As used in this article, the following terms apply:

21 (a) “Department” means the Department of Justice.

22 (b) “Handgun ammunition” means handgun ammunition as
23 defined in subdivision (a) of Section 12323, but excluding
24 ammunition designed and intended to be used in an “antique
25 firearm” as defined in Section 921(a)(16) of Title 18 of the United
26 States Code. *Handgun ammunition does not include blanks used*
27 *in prop weapons.*

28 (c) “Immediate family member” has the same meaning as set
29 forth in subdivision (c) of Section 12078.

30 (d) “Licensed handgun ammunition vendor” or “vendor” means
31 a person or entity licensed by the department pursuant to Section
32 12062.

33 12061. (a) Commencing July 1, 2009, no person shall sell or
34 otherwise transfer ownership of more than 50 rounds of handgun
35 ammunition in any month unless the person is licensed by the
36 department as a licensed handgun ammunition vendor in
37 accordance with Section 12062.

38 (b) Subdivision (a) shall not apply to or affect any of the
39 following:

1 (1) Sales or other transfers of ownership of handgun ammunition
2 to licensed handgun ammunition vendors who are licensed pursuant
3 to Section 12062.

4 (2) Sales or other transfers of ownership of handgun ammunition
5 by an authorized law enforcement representative of a city, county,
6 or city and county, or the state or federal government to a peace
7 officer authorized to carry a handgun in the course and scope of
8 his or her duties.

9 (3) Sales or other transfers of ownership of handgun ammunition
10 to authorized law enforcement representatives of cities, counties,
11 cities and counties, or state or federal governments for exclusive
12 use by those government agencies if, prior to the delivery, transfer,
13 or sale of handgun ammunition, written authorization from the
14 head of the agency authorizing the transaction is presented to the
15 person from whom the purchase, delivery, or transfer is being
16 made. Proper written authorization is defined as verifiable written
17 certification from the head of the agency by which the purchaser
18 or transferee is employed, identifying the employee as an individual
19 authorized to conduct the transaction, and authorizing the
20 transaction for the exclusive use of the agency by which he or she
21 is employed.

22 (4) Sales or other transfers of ownership of handgun ammunition
23 to authorized representatives of cities, counties, cities and counties,
24 or state or federal governments for those government agencies in
25 which the entity is acquiring the ammunition as part of an
26 authorized, voluntary program in which the entity is buying or
27 receiving ammunition from private individuals.

28 (5) Sales or other transfers of ownership of handgun ammunition
29 between immediate family members, spouses, or registered
30 domestic partners.

31 (c) A violation of this section is a misdemeanor.

32 12062. (a) (1) The department is authorized to issue handgun
33 ammunition vendor licenses.

34 (2) No handgun ammunition vendor license may be issued to
35 an applicant who fails to provide a copy of any regulatory or
36 business license, or licenses, required by local government, a valid
37 seller's permit issued by the State Board of Equalization, a federal
38 firearms license if the person is federally licensed, and a certificate
39 of eligibility issued pursuant to Section 12071. The license issued
40 pursuant to this section shall be issued for a specific physical

1 location where the sale or other transfer of ownership of handgun
2 ammunition is to be conducted.

3 (3) The department shall inform applicants who are denied
4 licenses of the reasons for the denial in writing.

5 (b) (1) The handgun ammunition vendor license shall be issued
6 in a form prescribed by the Attorney General and shall be valid
7 for a period of one year. The Attorney General may adopt
8 regulations to administer application procedures and enforcement
9 procedures for the licensee. The Attorney General may adopt
10 regulations that establish grounds for suspension or revocation of
11 the license.

12 (2) The department may charge handgun ammunition vendor
13 license applicants a fee sufficient to reimburse the department for
14 the costs of administering the license program, maintaining the
15 registry of handgun ammunition vendors, and necessary regulatory
16 functions, including enforcement, provided, however, that the fee
17 shall not exceed fifty dollars (\$50).

18 (3) The department shall issue licenses pursuant to this section
19 to the following applicants:

20 (A) Persons licensed pursuant to Section 12071.

21 (B) A person who is on the centralized list maintained by the
22 department pursuant to Section 12083.

23 (C) A target facility which holds a business or regulatory license.

24 (D) Gunsmiths.

25 (E) Wholesalers.

26 (F) Manufacturers or importers of firearms licensed pursuant
27 to Chapter 44 (commencing with Section 921) of Title 18 of the
28 United States Code, and the regulations issued pursuant thereto.

29 (4) The department shall waive all application fees for all
30 persons listed in subparagraphs (A) and (B) of paragraph (3).

31 (5) (A) The department shall keep a centralized registry of all
32 persons, businesses, and corporations that are vendors.

33 (B) The department may remove from this registry any vendor
34 that violates the provisions of this section.

35 (C) The license of any vendor that violates this section three
36 times shall be revoked, and that person, firm, or corporation shall
37 become permanently ineligible to obtain a license pursuant to this
38 section.

1 (D) Upon removal of a vendor from the registry, notification
2 shall be provided to local law enforcement and licensing authorities
3 in the jurisdiction where the vendor's business is located.

4 (6) Information compiled from the registry referred to in
5 paragraph (5) shall be made available, upon request, for the
6 following purposes only:

7 (A) For law enforcement purposes.

8 (B) When the information is requested for the purposes of
9 determining the validity of handgun ammunition deliveries.

10 (c) A vendor shall comply with all of the following conditions,
11 requirements and prohibitions:

12 (1) (A) A vendor shall not permit any employee who the vendor
13 knows or reasonably should know is a person described in Section
14 12021 or 12021.1 of this code or Section 8100 or 8103 of the
15 Welfare and Institutions Code to handle handgun ammunition in
16 the course and scope of his or her employment.

17 (B) Except as provided in subparagraph (C), for an employee
18 of a vendor who becomes an employee after July 1, 2009, the
19 vendor shall request a background clearance from the department
20 pursuant to subdivision (d) of Section 12076 to determine if an
21 employee is a person described in Section 12021 or 12021.1 of
22 this code or Section 8100 or 8103 of the Welfare and Institutions
23 Code. The request shall be made within 45 days of employing the
24 individual.

25 (C) In the case of a person who is employed by a vendor on or
26 before July 1, 2009, the vendor shall request a background
27 clearance from the department pursuant to subdivision (d) of
28 Section 12076 to determine if an employee is a person described
29 in Section 12021 or 12021.1 of this code or Section 8100 or 8103
30 of the Welfare and Institutions Code no later August 15, 2009.

31 (D) The department may require the vendor to charge a fee
32 sufficient to reimburse it for the background clearance authorized
33 pursuant to subdivision (e) of Section 12076.

34 (2) A vendor shall not sell or otherwise transfer ownership of,
35 offer for sale or otherwise offer to transfer ownership of, or display
36 for sale or display for transfer of ownership of any handgun
37 ammunition in a manner that allows that ammunition to be
38 accessible to a purchaser or transferee without the assistance of
39 the vendor or employee thereof.

1 (3) Commencing July 1, 2009, a vendor shall not sell or
2 otherwise transfer ownership of any handgun ammunition without
3 at the time of delivery recording the following information on a
4 form that is in a format to be prescribed by the department:

5 (A) The date of the transaction.

6 (B) The transferee's driver's license or other identification
7 number and the state in which it was issued.

8 (C) The brand, type, and amount of ammunition transferred.

9 (D) The transferee's signature.

10 (E) The name of the salesperson who processed the transaction.

11 (F) The right thumbprint of the purchaser or transferee on the
12 above form, ~~unless the purchaser or transferee presents a handgun~~
13 ~~ammunition purchase permit in which case the vendor shall record~~
14 ~~the number of the permit.~~

15 (G) Commencing July 1, 2011, information that the department
16 may require to ensure compliance with the provisions of paragraph
17 (7).

18 (4) Commencing July 1, 2009, on the date of delivery of the
19 handgun ammunition, the vendor shall submit a report to the
20 department in a manner prescribed by the department containing
21 the information set forth in paragraph (3).

22 (5) Commencing July 1, 2009, the records required by this
23 section shall be maintained on the premises of the vendor for a
24 period of not less than two years from the date of the recorded
25 transfer.

26 (6) Commencing July 1, 2009, the records referred to in
27 paragraph (4) shall be subject to inspection at any time during
28 normal business hours by any peace officer employed by a sheriff,
29 city police department, or district attorney as provided in
30 subdivision (a) of Section 830.1, or employed by the department
31 as provided in subdivision (b) of Section 830.1, provided the officer
32 is conducting an investigation where access to those records is or
33 may be relevant to that investigation, is seeking information about
34 persons prohibited from owning a firearm or ammunition, or is
35 engaged in ensuring compliance with the Dangerous Weapons
36 Control Law (Chapter 1 (commencing with Section 12000) of Title
37 2 of Part 4), or any other laws pertaining to firearms or ammunition.
38 The records shall also be subject to inspection at any time during
39 normal business hours by any other employee of the department,
40 provided that employee is conducting an investigation where access

1 to those records is or may be relevant to that investigation, is
2 seeking information about persons prohibited from owning a
3 firearm or ammunition, or is engaged in ensuring compliance with
4 the Dangerous Weapons Control Law (Chapter 1 (commencing
5 with Section 12000) of Title 2 of Part 4), or any other laws
6 pertaining to firearms or ammunition.

7 (7) Commencing July 1, 2011, immediately prior to the delivery
8 of the handgun ammunition, the vendor of handgun ammunition
9 shall verify that the person who is being delivered the handgun
10 ammunition is the holder of a valid handgun ammunition purchase
11 permit issued pursuant to Section 12063 by contacting the
12 department in a manner prescribed by the department that the
13 handgun ammunition purchase permit is valid at the time of the
14 delivery and receiving a verification number from the department
15 authorizing the delivery. one of the following:

16 (A) *The holder of a valid handgun ammunition purchase permit*
17 *issued pursuant to Section 12063.*

18 (B) *A person who has a current certificate of eligibility issued*
19 *to him or her by the Department of Justice pursuant to Section*
20 *12071.*

21 (C) *A sworn peace officer, as defined in Chapter 4.5*
22 *(commencing with Section 830) of Title 3 of Part 2 who is*
23 *authorized to carry a firearm in the course and scope of his or her*
24 *duties.*

25 (D) *A person who is purchasing or otherwise acquiring*
26 *ownership of fewer than 30 rounds of handgun ammunition from*
27 *the licensed handgun ammunition vendor and all of the following*
28 *conditions are met:*

29 (i) *The licensed handgun ammunition vendor also operates a*
30 *target range on the premises where the license authorizes the*
31 *vendor to transfer ammunition.*

32 (ii) *The purchaser or transferee will expend that ammunition*
33 *for the purposes of shooting at targets at the target range.*

34 (iii) *The person has not purchased or otherwise acquired*
35 *ownership of handgun ammunition from that licensed handgun*
36 *ammunition vendor within the previous 30 days.*

37 (iv) *The person is renting or being loaned a handgun from that*
38 *licensed handgun ammunition vendor in accordance with either*
39 *subdivision (h) of, or paragraph (6) of subdivision (k) of, Section*
40 *12078.*

1 (E) A person who has a current license to carry a handgun
2 issued to him or her pursuant to Section 12050.

3 (F) An honorably retired peace officer who is authorized to
4 carry a concealed or loaded firearm pursuant to subdivision (a)
5 or (i) of Section 12027 or paragraph (1) or (8) of subdivision (b)
6 of Section 12031.

7 (G) Any person who is authorized to carry loaded firearms
8 pursuant to subdivision (c) or (d) of Section 12031.

9 (H) A person who is the holder of a special weapons permit
10 issued by the department pursuant to Section 12095, 12230, 12250,
11 or 12305.

12 (8) Commencing July 1, 2009, the vendor shall not knowingly
13 make a false entry in, fail to make a required entry in, fail to obtain
14 the required thumbprint, or otherwise fail to maintain in the
15 required manner records prepared in accordance with paragraph
16 (2). If the right thumbprint is not available, then the vendor shall
17 have the purchaser or transferee use his or her left thumb, or any
18 available finger, and shall so indicate on the form. If the purchaser
19 or transferee is physically unable to provide a thumbprint or
20 fingerprint, the vendor shall so indicate on the form.

21 (9) Commencing July 1, 2009, no vendor shall refuse to permit
22 a person authorized under paragraph (6) to examine any record
23 prepared in accordance with this section during any inspection
24 conducted pursuant to this section, or refuse to permit the use of
25 any record or information by those persons.

26 ~~(10) To implement paragraph (7) of this subdivision,~~
27 ~~commencing July 1, 2009, the department may require the vendor~~
28 ~~to charge each person who is or would be subject to the~~
29 ~~requirements of paragraph (7) a fee for the actual processing costs~~
30 ~~of that transaction, which in any event shall not exceed three dollars~~
31 ~~(\$3) for each transaction.~~

32 ~~(11) Each vendor shall transmit in the manner prescribed by the~~
33 ~~department the fees collected pursuant to paragraph (10) to the~~
34 ~~department.~~

35 (10) Commencing July 1, 2011, the vendor shall transmit in the
36 manner prescribed by the department the fees collected pursuant
37 to paragraph (2) of subdivision (l) of Section 12063 for the
38 department if he or she is authorized to act for the department
39 pursuant to paragraph (2) of subdivision (l) of Section 12063.

1 (11) Commencing July 1, 2011, that vendor shall not charge
2 more than the fees it may charge as set forth in paragraphs (2)
3 and (3) of subdivision (1) of Section 12063.

4 (d) ~~(4)~~ Paragraphs (3) and (7) of subdivision (c) shall not apply
5 to or affect sales or other transfers of ownership of handgun
6 ammunition by licensed handgun ammunition vendors to any of
7 the following:

8 ~~(A)~~

9 (1) Persons licensed pursuant to Section 12071 properly
10 identified as such.

11 ~~(B)~~

12 (2) A licensed handgun ammunition vendor properly identified
13 as such.

14 ~~(C)~~

15 (3) A person who is on the centralized list maintained by the
16 department pursuant to Section 12083 properly identified as such.

17 ~~(D)~~

18 (4) A target facility which holds a business or regulatory license
19 properly identified as such.

20 ~~(E)~~

21 (5) Gunsmiths, properly identified as such.

22 ~~(F)~~

23 (6) Wholesalers properly identified as such.

24 ~~(G)~~

25 (7) Manufacturers or importers of firearms licensed pursuant
26 to Chapter 44 (commencing with Section 921) of Title 18 of the
27 United States Code, and the regulations issued pursuant thereto,
28 properly identified as such.

29 ~~(H)~~

30 (8) Sales or other transfers of ownership made to authorized
31 law enforcement representatives of cities, counties, cities and
32 counties, or state or federal governments for exclusive use by those
33 government agencies if, prior to the delivery, transfer, or sale of
34 handgun ammunition, written authorization from the head of the
35 agency authorizing the transaction is presented to the person from
36 whom the purchase, delivery, or transfer is being made. Proper
37 written authorization is defined as verifiable written certification
38 from the head of the agency by which the purchaser, transferee,
39 or person otherwise acquiring ownership is employed, identifying
40 the employee as an individual authorized to conduct the transaction,

1 and authorizing the transaction for the exclusive use of the agency
2 by which he or she is employed.

3 ~~(2) Paragraph (7) of subdivision (c) shall not apply to or affect~~
4 ~~sales or other transfers of ownership of handgun ammunition by~~
5 ~~licensed handgun ammunition vendors to sworn peace officers, as~~
6 ~~defined in Chapter 4.5 (commencing with Section 830) of Title 3~~
7 ~~of Part 2 who are authorized to carry a firearm in the course and~~
8 ~~scope of their duties.~~

9 (e) Fees received by the department pursuant to this section
10 shall be deposited in the Dealers' Record of Sale Special Account
11 of the General Fund.

12 (f) (1) A violation of paragraph (3), (4), (5), (7), (8), (10), or
13 (11) of subdivision (c) is a misdemeanor.

14 (2) The provisions of this subdivision are cumulative, and shall
15 not be construed as restricting the application of any other law.
16 However, an act or omission punishable in different ways by
17 different provisions of law shall not be punished under more than
18 one provision.

19 12063. (a) (1) Commencing March 1, 2011, any person who
20 is 21 years of age or older may apply to the department for a
21 handgun ammunition purchase permit, in a format to be prescribed
22 by the department.

23 (2) The handgun ammunition purchase permit shall entitle the
24 permittee to purchase or otherwise acquire ownership of handgun
25 ammunition from a licensed handgun ammunition vendor.

26 (b) The department shall issue a handgun ammunition purchase
27 permit to the applicant if all the following conditions are met:

28 (1) The applicant is 21 years of age or older.

29 (2) The applicant is not prohibited from acquiring or possessing
30 handgun ammunition by paragraph (1) or (4) of subdivision (b) of
31 Section 12316 or by subsection (g) of Section 922 of Title 18 of
32 the United States Code.

33 (3) The applicant pays the fees set forth in subdivision ~~(i)~~ (h).

34 (c) (1) Upon receipt of an initial or renewal application, the
35 department shall examine its records and is authorized to request
36 records from the State Department of Mental Health, pursuant to
37 Section 8104 of the Welfare and Institutions Code, and, if
38 authorized by federal law, the National Instant Criminal
39 Background Check System, as described in subsection (t) of
40 Section 922 of Title 18 of the United States Code, in order to

1 determine if the applicant is prohibited from possessing or
2 acquiring handgun ammunition.

3 (2) The application shall be approved or denied within ~~30~~ 10
4 days of the date of the application. If the application is denied, the
5 department shall state the reasons for doing so and provide the
6 applicant an appeal process to challenge that denial.

7 (d) The handgun ammunition purchase permit shall be valid for
8 ~~five years~~ one year from the date of issuance.

9 (e) The department shall send a notice of the expiration of a
10 handgun ammunition purchase permit, by first-class mail or other
11 means that are equivalent such as electronic mail, to the address
12 of the person as shown by the records of the department, not less
13 than 90 days before the expiration date, and shall enclose or contain
14 a form for the renewal of the permit.

15 (f) The handgun ammunition purchase permit shall be revoked
16 by the department upon the occurrence of any event which would
17 have disqualified the holder from being issued the handgun
18 ammunition purchase permit pursuant to this section.

19 (g) (1) The handgun ammunition purchase permit shall be in a
20 format prescribed by the department and shall include the name,
21 address, ~~photograph~~, date of birth, a unique identifying number,
22 expiration date from the date of issuance, physical characteristics,
23 including the height, weight, eye color, and hair color of the
24 permitholder, and other information as may be prescribed by the
25 department. ~~The department may integrate the identification into~~
26 ~~the permitholder's California driver's license or identification~~
27 ~~number, or the Certificate of Eligibility program set forth in Section~~
28 ~~12071, or other similar means.~~

29 (2) *If a handgun ammunition purchase permit is lost or*
30 *destroyed, the department shall issue a duplicate permit upon*
31 *request and proof of identification of that permitholder.*

32 (h) The department shall recover the full cost of administering
33 this section by assessing the following application fees:

34 (1) For the initial application: thirty-five dollars (\$35).

35 (2) For each renewal application: fifteen dollars (\$15).

36 (3) *For a duplicate permit issued pursuant to paragraph (2) of*
37 *subdivision (g): fifteen dollars (\$15).*

38 (i) All fees received pursuant to this section *remitted to the*
39 *department* shall be deposited into the Dealers' Record of Sale
40 Special Account.

(j) The implementation of this section by the department is exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(k) The department shall annually review and shall adjust the fees specified in subdivision (h), if necessary, to fully fund, but not to exceed the actual costs of, the permit program provided for by this section, including enforcement of the program.

(l) (1) The department is authorized to utilize licensed handgun ammunition vendors to accept applications for handgun ammunition purchase permits, including a duplicate application, an initial application, or a renewal application, to submit the application to the department via electronic or other means as prescribed by the department, and if the permit is issued, to provide the permit to the applicant.

(2) The licensed handgun ammunition vendor, if he or she is authorized to act for the department pursuant to paragraph (1) shall collect for and remit to the department the applicable fees set forth in subdivision (h).

(3) In addition to the fees set forth in subdivision (h), the licensed handgun ammunition vendor may charge a fee not to exceed three dollars (\$3) for processing each initial application, a renewal application, or the application for a duplicate permit.

~~(t)~~

(m) The Attorney General is authorized to adopt regulations to implement the provisions of this section.

~~(m)~~

(n) (1) Knowingly furnishing any incorrect information or knowingly omitting any information required to be provided by a person seeking a handgun ammunition purchase permit is a misdemeanor.

(2) This subdivision is cumulative, and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by different provisions of law shall not be punished under more than one provision.

~~12064. (a) In order to implement provisions of paragraph (7) of subdivision (c) of Section 12062, the department shall do all of the following on or before January 1, 2011:~~

~~(1) Establish a state database that licensed handgun ammunition vendors may instantaneously access by telephone or other~~

1 electronic means, as specified by the department, with information
2 to be supplied immediately on whether the presented handgun
3 ammunition purchase permit is valid. The database shall record
4 when a vendor contacts the department to verify that a handgun
5 ammunition purchase permit is valid, and shall provide an
6 authorization number for the delivery of the ammunition to that
7 permitholder.

8 (2) Upon establishment of the database referred to in paragraph
9 (1), notify each vendor on the licensed handgun ammunition vendor
10 registry of the existence and purpose of the system and the means
11 to be used to access the database.

12 (3) Establish days and hours during which the telephone number
13 or other electronic means shall be operational for purposes of
14 responding to inquiries, taking into consideration the normal
15 business hours of retailers.

16 (b) The Attorney General is authorized to adopt regulations to
17 implement the provisions of this section.

18 12065. (a) (1) No person, corporation, or firm shall knowingly
19 supply, deliver, sell, or give possession or control of, any handgun
20 ammunition to any person who is prohibited from owning,
21 possessing, or having under his or her custody or control, any
22 ammunition or reloaded ammunition pursuant to paragraph (1) or
23 (4) of subdivision (b) of Section 12316.

24 (2) No person, corporation, or dealer shall sell, supply, deliver,
25 or give possession or control of any ammunition to any person
26 whom he or she has cause to believe to be prohibited from owning,
27 possessing, or having under his or her custody or control any
28 ammunition or reloaded ammunition pursuant to paragraph (1) or
29 (4) of subdivision (b) of Section 12316.

30 (3) A violation of paragraph (1) is punishable by imprisonment
31 in a county jail not to exceed one year, or by a fine not to exceed
32 one thousand dollars (\$1,000), or by both that fine and
33 imprisonment.

34 (4) A violation of paragraph (2) is a misdemeanor.

35 (b) The provisions of this section are cumulative and shall not
36 be construed as restricting the application of any other law.
37 However, an act or omission punishable in different ways by this
38 section and ~~provisions~~ *another provision* of law shall not be
39 punished under more than one provision.

(c) For purposes of this section, “ammunition” shall include, but not be limited to, any bullet, cartridge, *magazine, clip, speed loader, autoloader*, or projectile capable of being fired from a firearm with deadly consequence. *Handgun ammunition does not include blanks used in prop weapons.*

SEC. 6. Section 12316 of the Penal Code is amended to read:

12316. (a) (1) Any person, corporation, or dealer who does either of the following shall be punished by imprisonment in a county jail for a term not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or by both the imprisonment and fine:

(A) Sells any ammunition or reloaded ammunition to a person under 18 years of age.

(B) Sells any ammunition or reloaded ammunition designed and intended for use in a handgun to a person under 21 years of age. As used in this subparagraph, “ammunition” means handgun ammunition as defined in subdivision (a) of Section 12323. Where ammunition or reloaded ammunition may be used in both a rifle and a handgun, it may be sold to a person who is at least 18 years of age, but less than 21 years of age, if the vendor reasonably believes that the ammunition is being acquired for use in a rifle and not a handgun.

(2) Proof that a person, corporation, or dealer, or his or her agent or employee, demanded, was shown, and acted in reasonable reliance upon, bona fide evidence of majority and identity shall be a defense to any criminal prosecution under this subdivision. As used in this subdivision, “bona fide evidence of majority and identity” means a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator’s license, California state identification card, identification card issued to a member of the armed forces, or other form of identification that bears the name, date of birth, description, and picture of the person.

(b) (1) No person prohibited from owning or possessing a firearm under Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code shall own, possess, or have under his or her custody or control, any ammunition or reloaded ammunition.

(2) For purposes of this subdivision, “ammunition” shall include, but not be limited to, any bullet, cartridge, magazine, clip, speed

1 loader, autoloader, or projectile capable of being fired from a
2 firearm with a deadly consequence. *Handgun ammunition does*
3 *not include blanks used in prop weapons.*

4 (3) A violation of paragraph (1) of this subdivision is punishable
5 by imprisonment in a county jail not to exceed one year or in the
6 state prison, by a fine not to exceed one thousand dollars (\$1,000),
7 or by both the fine and imprisonment.

8 (4) A person who is not prohibited by paragraph (1) from
9 owning, possessing, or having under his or her custody or control,
10 any ammunition or reloaded ammunition, but who is enjoined from
11 engaging in activity pursuant to an injunction issued pursuant to
12 Section 3479 of the Civil Code against that person as a member
13 of a criminal street gang, as defined in Section 186.22, may not
14 own, possess, or have under his or her custody or control, any
15 ammunition or reloaded ammunition.

16 (5) A violation of paragraph (4) of this subdivision is a
17 misdemeanor.

18 (c) Unless it is with the written permission of the school district
19 superintendent, his or her designee, or equivalent school authority,
20 no person shall carry ammunition or reloaded ammunition onto
21 school grounds, except sworn law enforcement officers acting
22 within the scope of their duties or persons exempted under
23 subparagraph (A) of paragraph (1) of subdivision (a) of Section
24 12027. This subdivision shall not apply to a duly appointed peace
25 officer as defined in Chapter 4.5 (commencing with Section 830)
26 of Title 3 of Part 2, a full-time paid peace officer of another state
27 or the federal government who is carrying out official duties while
28 in California, any person summoned by any of these officers to
29 assist in making an arrest or preserving the peace while he or she
30 is actually engaged in assisting the officer, a member of the military
31 forces of this state or of the United States who is engaged in the
32 performance of his or her duties, a person holding a valid license
33 to carry the firearm pursuant to Article 3 (commencing with Section
34 12050) of Chapter 1 of Title 2 of Part 4, or an armored vehicle
35 guard, who is engaged in the performance of his or her duties, as
36 defined in subdivision (e) of Section 7521 of the Business and
37 Professions Code. A violation of this subdivision is punishable by
38 imprisonment in a county jail for a term not to exceed six months,
39 a fine not to exceed one thousand dollars (\$1,000), or both the
40 imprisonment and fine.

(d) (1) A violation of paragraph (1) or (4) of subdivision (b) is justifiable where all of the following conditions are met:

(A) The person found the ammunition or reloaded ammunition or took the ammunition or reloaded ammunition from a person who was committing a crime against him or her.

(B) The person possessed the ammunition or reloaded ammunition no longer than was necessary to deliver or transport the ammunition or reloaded ammunition to a law enforcement agency for that agency's disposition according to law.

(C) The person is prohibited from possessing any ammunition or reloaded ammunition solely because that person is prohibited from owning or possessing a firearm only by virtue of Section 12021 or ammunition or reloaded ammunition because of paragraph (4) of subdivision (b).

(2) Upon the trial for violating paragraph (1) or (4) of subdivision (b), the trier of fact shall determine whether the defendant is subject to the exemption created by this subdivision.

(3) The defendant has the burden of proving by a preponderance of the evidence that he or she is subject to the exemption provided by this subdivision.

SEC. 7. Section 12318 is added to the Penal Code, to read:

12318. (a) Commencing July 1, 2009, the sale or other transfer of ownership of handgun ammunition may only occur in a face-to-face transaction with the seller or transferor being provided bona fide evidence of identity from the purchaser or other transferee. A violation of this section is a misdemeanor.

(b) For purposes of this section:

(1) "Bona fide evidence of identity" means a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, state identification card, identification card issued to a member of the armed forces, or other form of identification that bears the name, date of birth, description, and picture of the person.

(2) "Handgun ammunition" means handgun ammunition as defined in subdivision (a) of Section 12323, but excluding ammunition designed and intended to be used in an "antique firearm" as defined in Section 921(a)(16) of Title 18 of the United States Code. *Handgun ammunition does not include blanks used in prop weapons.*

1 (3) “Licensed handgun ammunition vendor” has the same
2 meaning as set forth in Section 12062.

3 (c) Subdivision (a) shall not apply to or affect the deliveries,
4 transfers, or sales of, handgun ammunition to any of the following:

5 (1) Authorized law enforcement representatives of cities,
6 counties, cities and counties, or state and federal governments for
7 exclusive use by those government agencies if, prior to the delivery,
8 transfer, or sale of the handgun ammunition, written authorization
9 from the head of the agency employing the purchaser or transferee,
10 is obtained identifying the employee as an individual authorized
11 to conduct the transaction, and authorizing the transaction for the
12 exclusive use of the agency employing the individual.

13 (2) Sworn peace officers, as defined in Chapter 4.5 (commencing
14 with Section 830) of Title 3 of Part 2 who are authorized to carry
15 a firearm in the course and scope of their duties.

16 (3) Importers and manufacturers of handgun ammunition or
17 firearms licensed to engage in business pursuant to Chapter 44
18 (commencing with Section 921) of Title 18 of the United States
19 Code and the regulations issued pursuant thereto.

20 (4) Persons who are on the centralized list maintained by the
21 Department of Justice pursuant to Section 12083.

22 (5) Persons whose licensed premises are outside this state who
23 are licensed as dealers or collectors of firearms pursuant to Chapter
24 44 (commencing with Section 921) of Title 18 of the United States
25 Code and the regulations issued pursuant thereto.

26 (6) Persons licensed as collectors of firearms pursuant to Chapter
27 44 (commencing with Section 921) of Title 18 of the United States
28 Code and the regulations issued pursuant thereto whose licensed
29 premises are within this state who has a current certificate of
30 eligibility issued to him or her by the Department of Justice
31 pursuant to Section 12071.

32 (7) A licensed handgun ammunition vendor.

33 (8) *A consultant-evaluator, as defined in subdivision (s) of*
34 *Section 12001.*

35 SEC. 8. No reimbursement is required by this act pursuant to
36 Section 6 of Article XIII B of the California Constitution because
37 the only costs that may be incurred by a local agency or school
38 district will be incurred because this act creates a new crime or
39 infraction, eliminates a crime or infraction, or changes the penalty
40 for a crime or infraction, within the meaning of Section 17556 of

- 1 the Government Code, or changes the definition of a crime within
- 2 the meaning of Section 6 of Article XIII B of the California
- 3 Constitution.

O